App.F.IX-4]

1925.

File No. 126-25

(Mugtai)

Serial Nos. 1 -- 3

Previous References.

Mug 184-24-1-4
" 424-04-
" 531-18-8-24
" 511-21-1-3

Later references

Mug 280-27-1-2
135-30-1-5

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3

Part B for January 1926

SUBJECT

Recommend sanction to the acquisition of the lands for conducting the car procession of Sri Venkataramanaswami temple at Guttahalli Bowringpet Taluq

G.O. Dt. 843-4
Dated 15-1-26

To the Mug Commr
Compt

Sanctioned

G. R S. 11] 1925

GENERAL AND REVENUE SECRETARIAT.

(Inezrai

NOTES.

File No. 126/1925

FILE HEADING.

Acquisition of land for the formation of a road for conducting the car procession of Sri Venkataramana Swamy temple at Suttahalli in the Bowringpet Taluk

From

The Inezrai Commissioner,

No. C. 363 Dated 2-11-25 Received 3-11-25

Diary No.	Enclos.	Spare Copies	Serial No.
544	1 file		1

BRIEF ABSTRACT OF LETTER.

Forwards for early orders, a copy of letter (A) from the Kolar Dy. Comr. requesting that suit may be moved once again and orders obtained for the acquisition of the said land under the provisions of the L. A. Regn.

NOTES AND ORDERS.

Inez. J. no. 184-24 on the subject is submtd. It is seen from this collection that a similar recommendation had come up for orders of Govt but after consulting the L & L Secretary

NOTES—First Sheet.

Serial No

B

The Dist. Comr. has informed that the lands could not be acquired under the L. A. Regn as the purpose for which it was wanted, was not a public purpose etc. (Letter no. 1797 Dy 15-6-1925).

A. 2) The Dy. Comr, Kolaba, has given reasons to show that the purpose for which the land is required, is a Public Purpose and requests that as a re-consideration of the previous order, the land in question may be acquired under the L.A. Regn.

Submitted. AV 4-11-25. May the L.D.L. Secretariat be consulted in the matter?

Yes. 4/11/25

3) The view of the Dist Collr is flagged R.

Rev. Secy 6.11.25.

4) I do not think further consultation of the L.D.L. Secrett is necy. There are no new facts or arguments in the Dy Commrs letter, which were not already considered. Strictly speaking, the acquisition cannot be considered as for public

WD 0569—GPB—40,000—31 7-25

App. F. III—2]

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General and Revenue Secretariat

Serial No.	

NOTE—Contn. Sheet

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but in view of the importance of the institution from the public point of view, one may stretch a point, as the D.C has done.

Let me see the Madras Rev Board's S.O referred by the D.C.

V.

5) I should like to discuss this with the Legal Member

8/11/25.

7/11

26/11/25.

6) As directed by the Rev. Sec., Memo file No. 531-18 is submitted which shows that S.No 4 of Veddampalayam has been ordered to be acquired for improving the Sri Someswara Swami temple at Majadi which is a Muz Inst.

The mere fact that an inst.n is a Muzrai institution has considered sufficient for acquisition. Steps to be taken for its improvement or for any convenience req.d for it. If this policy is not continued, the Muz Inst.ns will have to go in front car festivals which are a necessity for all temple deities & are calculated to serve the well being of the people at large & the prosperity of the locality and this feature is common in the Madras districts.

L
Dy Secretary to Govt
511-21
531-18
1427-04
with an acknowledgment
to Rev. Secy. [illegible]
BG
30/11/25

App. F. III—2]

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NOTE—Contn. Sheet

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that acquisitions of lands for the purposes of a temple are being hitherto sanct?.

7) "Varenius's Law of acquisition" is not available either in the Recett or Chief Court Library and may perhaps be obt? from the Bgl Govt Hdqrs Dr. who has referred to it. Copy of Dewonghis "Land acquisition & Compensation" has been obt? from the Ch: Ct Library & is subd. for perusal. Ref? is invited to page 43 fr 'Commentary' on What a public purpose is - It is the Local Govt which are the best arbiters of the matter and the Mysore Govt where it is peculiarly so. It may be mentd in this Con? — that there can be no greater public purpose than the prosperity of the ~~people of the State~~ Ruling Sovereign the Royal family, and his subjects while the due conducting of worship in the temples & other Places of worship and of the Car festivals relating thereto are calculated to ensure.

& This states whether this is a public or not.

Govt sub? with the ref:
(1) Standing orders of Board of Revenue Vol I
(2) Dewonghis Land acquisition & Compensation

8) Sub? for orders with the ref books in the margin

P. 12.25

9/12

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NOTE—Contn. Sheet

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9) I am inclined to think there is considerable force in the view put forward by the D.C. Kolar and that the question may perhaps be remitted.

The essential condition for acquisition laid down in section 6 of the L.A.R. is that the compensation is to be paid wholly or partly out of public revenues ....

As will be seen from the Commentary on L.A. & Cas by Donagan - page 5-5 - that 'this words or partly' was intended as explained by the select committee to meet the case in which public institutions are only partly supported out of public revenues.

Vide page - 327 - ibid clause 6.

In the present case, the institution enjoys Cash grants & land in lieu thereof, and so far as the former is concerned it comes out of public revenues.

With the authority quoted in para 3 of the Dy Commissioner, it seems that the land required for the temple for facilitating the Car procession without danger to the public may be acquired under the L.A.R.

In this view, the L. & L Dy may be requested to re-examine the case and give his opinion.

(8 - numbered)

K
10/12/25

10) Sec. Thinking on
done

W.P. 10/12

Notes—Contn. Sheet

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NOTE—Contn. Sheet

General and Revenue Secretariat | Mines File No. 126 of 1926.

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With 2 enclosures mentd. in page 4

To L. L. Levy with Compliments

14/12

15.12.25.

11) I was on leave when the opinion on this question was expressed by the Board Standi in May of this year.

12) Public purpose is not defined in the Regulation nor any limitation imposed regarding what is likely to prove useful to the public.

13) The Govt authority who are the Custodians of the interest of public is by the Constituted under the L. A. Act the sole Judge to decide (1) whether any intended work is necessary to be executed & (2) whether it is for public utility.

~~The public is not~~

14) The materials on record are enough to decide these questions in the affirmative for the ~~road is~~ intended road is necessary for the safety & convenience of a large body of devotees who congregate on the occasion of the Car festival.

15) Next important question for consideration is whether the whole or part of the Compensation to be awarded is really intended to be defrayed from out of public revenue. This is a question of fact to be decided on materials available in each case. Venkataramanaswami Temple at Gate Kollis Bowringpet Taluq is a Muzrai Institution

Note—Contn. Sheet

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NOTE—Contn. Sheet

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Hon'ble This Institution is supported by an annual grant ~~in perp~~ made in perpetuity from the public revenues. Out of such grant & other funds contributed by voters the acquisition now proposed is to be made.

16) Hence this is a case coming within the amendment ~~Hon'ble~~ proviso to Sec 6 (1) of the Regn.

17) I am of opinion that the acquisition may be sanctioned.

Rev Sec'y with Compts 18/12 cay 18/12 L 19.12

1st Member MP 21/12

18) The acquisition may be sanctioned under the circumstances

SC 21/12 L

MP 23/12

19) Hon. S.O. for Govt.

AV 6.1.1926 BG 20/1/27 ~~be~~ approved. 6.1.26 for Sec'y 21.1.

Please put up draft as in the prescribed form. BG 4/1/26

29) approved L 11/1 MP 11/1

NOTE—Contn. Sheet

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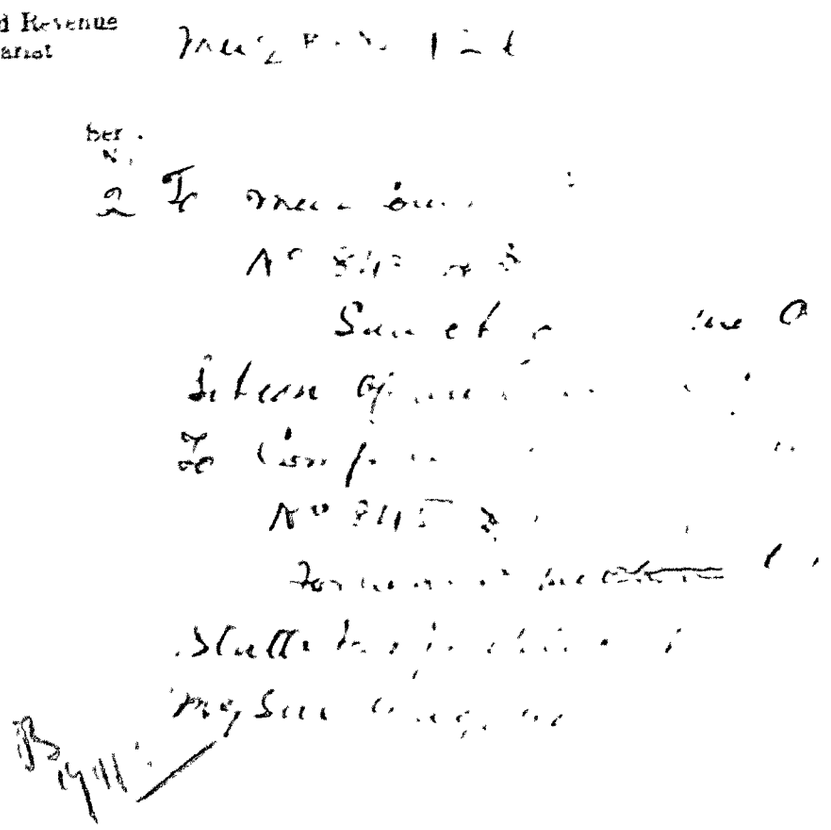
NOTE—Contn. Sheet

General and Revenue Secretariat



19560

No. C 363 g 25 Office of the Muzrai Commissioner in Mysore

one more file

Dated Bangalore, 29th October 1925

2-11-25

From

C. S. Balasundaram Iyer, Esq., B.A.,

Muzrai Commissioner in Mysore

Bangalore

Muz.

muz-126-25-1

ak

To

B. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of

His Highness the Maharaja of Mysore,

Revenue Department.

Sir,

With reference to your letter No.1797/Muz.184-21-4 dated the 15th June 1925 stating that the land recommended to be acquired for the formation of a road for the use of Sri Venkataramanaswami temple at Guttahalli, Bowringpet Taluk cannot be acquired as the purpose for which it is wanted is not a public one, I have the honor to forward herewith copy of letter No.2019/22-23 dated the 2nd instant received from the Deputy Commissioner for early orders.

The enclosures received with the Deputy Commissioner's letter are herewith submitted for perusal and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

C S Balasundaramayya

Muzrai Commissioner.

KSR.

Letter No.2019/22-23 dated 2nd October 1922 from the Deputy Commissioner Kolar District to the Muzrai Commissioner in Mysore.

"With reference to your memo No.729/24-25 dated 19th June 1925, communicating the views of Government on the question of acquisition of a piece of land for the formation of a road for conducting the car procession of Sri Venkataramanaswami temple at Guttahalli, I have the honor to state that the definition of "Public purpose" in the Land Acquisition Regulation is a partially invlusive but no expensive definition and in fact it may be said that there is no definition of a "public purpose" in the Regulation nor any limitation regarding what is likely to prove useful to the public. Both these matters are left to the absolute discretion of the Government. The Institution is held in high reverence and esteem by a large number of devotees reporting to it from various places especially on the car-festival day and (Saturdays in the month of Sravana) and the Government Muzrai Officers and the temple authorities are charged with the duty of seeing that the car procession is brought round safely in the prescribed route, in order to avoid annoyance and disappointment to the large gathering of the public including devotees and sight seers and to fulfil the Agama rules. In this view the purpose of a car festival here appears to be nothing but a "Public purpose". Section 12 of the Indian Penal Code may be referred to as defining the work "Public". The term applies also to any class of public or any community. As such the purpose in the present case is a public one.

2. As regards the question of funds out of which compensation has to be paid, I may state that this is a Government Major Muzrai Institution endowed with cash and land grants by Government which are supplemented by fees levied and voluntary offerings and ---- contribution made by the devotees. The funds of the Institution are under the control of Government and therefore it cannot be denied that these funds are public revenues or at any rate -- revenues partly public.

3. I may also invite favour of reference to a standing order of the Madras Government which enjoins that a land required for a really public purpose but to be paid from any private source or fund may be acquired, and to prevent any technical objection under

under cl. (i) of Sec.6 L.A.R. the cost should in the first instance ~~have~~ be paid out of the public revenues and afterwards recovered from the private source or fund. (Vide P.33 of Law of Land Acquisition by Narmada.)

4. In these circumstances, I request you to be so good as to move Government once again in the matter and obtain their orders to the acquisition of the land under the provisions of the Land Acquisition Regulation.

The file of vernacular records received with the above are herewith returned."

"C o p y"

for Muzrai Commissioner.

KSR.

G. R. S. VI.—6/5]

DRAFT.

SUBJECT..... . . . . .

....

....

Section. Misc.
File No. 121 - 25
Serial No. 9

Diary No. of letter replied to .. ..

GENERAL AND REVENUE SECRETARIAT
( )
, *the* 191

Date of issue.15/7/26

Signed by.....

Proceedings of the Government of H. H. the Maharaja of Mysore.

READ— Correspondence ending with
Letter No. C. 363/25-26
dated 2-11-1925 from the , ...
.. Muzrai Centre
recommending sanction to the acquisition of the undermentioned property/properties for a road for Conducting the Car procession of Sri Venkataramana Swamy temple at Gottahalli, Bowringpet Taluk.

ORDER THEREON.—No 8243-4

The acquisition of the property recommended in the above is sanctioned, the Asst. Comr., Kolar Sub Divn. being appointed to perform the functions of a Deputy Commissioner under the Land Acquisition Regulation and authorised to take order for the acquisition of the said property/properties

2. The declaration statements in English and Kannada will be forwarded to the Compiler of the *Mysore Gazette* for publication.

3. The cost of acquisition amounting to Rs. 20/- .. exclusive/inclusive of the statutory allowance may as proposed be met from provision .The Grant of made under... The circs ....
in the current year's budget.

7/1. Secretary to Government.

or 918 Sq. yds
½ guntas, of land
T. S. No. 65 of
Kattapura Village,
Ramanpala Hobli,
Bowringpet Taluk.

C.D.C's letter dt 15-12-1925
B. ii 2. 20.
186
1926

Mr. Asst. Comr. Kolar Sub Divn

List of enclosures.

Copied by.....

Examined by.....

WD 02176—GPB—2,000—27-4-16

Under Section 6 of the Land Acquisition Regulation, No. VII of 1894, it is hereby declared

A 76 under Sections and 8 (c) of the said Regulation, the Assistant Commissioner in charge of

A Plan of the property described below is filed

District	Taluk	Hobli	Village	Name of khatedar or owner	Survey Number or Muni No	Whether dry, wet, garden, vacant site, house (tiled terraced or mud roofed)	Total extent		Kharab		Remaining extent	
1	2	3	4	5	6	7	8		9		10	
							A or yds	g or ft	A	g	A or yds	g or
Kolar	Bangarpet	Bethamangala	Venkatapuram	Seenappa Panchangi	415	Wet	1	28	—	3	1	

To

The Compiler, *Mysore Gazette* for publication in three successive issues of the Gazette

ATION No. 845 D 11.5/14-26 13

Mur 126-25-3

hd described hereunder is required for a public purpose viz.,.....

Sub Division

in the Kolar

..... is authorised to take order for the acquisition of the said land.

Acres

Extent now required				Boundaries			
Extent		Assessment		East	West	North	South
12		13					
A. g. or yds or ft		Rs.	a. p.	14	15	16	17
7½ or 918 Square Yards		1 5		Portion of S No 45	portion of S No 45 and No 46.	S No 44	S No 46

D 30/9/25

Secretary to the Government of
H. H. the Maharaja of Mys
~~General and Rev Secr~~
Rev. Dept